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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,104	12/19/2001	Paul D. Hemstreet	6156-2	4990

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EXAMINER

THISSELL, JENNIFER I

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,104

Applicant(s)

HEMSTREET ET AL.

Examiner

Jennifer I Thissell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1--23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-23 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: on page, line 14, the mounting bracket is represented by numeral 38, while in other sections throughout the specification, the storm bar is represented by 38, as well 36. The reference numerals must be consistent.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-9 and 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "the connection flange". There is insufficient antecedent basis for this limitation in the claim.

Claims 11 and 12 depend from each other, and neither depends from the independent claim. The dependency is unclear and must be corrected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 4-15 are rejected, as understood, under 35 U.S.C. 102(e) as being anticipated by Poma et al. ('188). Poma teaches a shutter 50 (Figure 6) having a shutter frame including two opposing elongated frame members 58,60 having facing openings 68,69, shutter blades 56 extending between the two lateral frame members along blade axes and having ends positioned in the facing openings, the shutter blades are angled relative to the longitudinal axes of the frame members and spaced along the longitudinal axes of the frame members, the shutter blades provide a louvered appearance on one side and provide access to the facing openings adjacent the shutter blades on the opposing side since the central section is recessed from the opposing side, there is a hinge 51 provided along a lateral edge of the lateral frame members (Figure 5), the shutter pivots between open and closed positions, and in the closed position the facing openings include access areas adjacent the shutter blades on the exposed rear face of the shutter (where the blades are inserted

into the opening). There are at least two shutters, the openings of the frame members are defined by a U-shaped cross sections with two side walls and a terminal wall, and the blades each have flanges extending from the longitudinal edges of the blade (Figures 7a,7b,8a,8b), the flanges engage the side walls and the blades are angled relative to the flanges and side walls. It can also be seen in the cited Figures that there is a connection flange (at 80 and 81) for connection with an adjacent blade, the connection flange and adjacent blade are removably connected, the connection is considered tongue and groove, and the connection flange is formed with the adjacent blade over a series of blades (Figure 7b).

Claims 16, 17, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman ('893). Hoffman teaches a first shutter blade and an adjacent shutter blade that each have an elongated body, there is at least one side flange extending at an angle from the blade body, there is a connecting flange extending at an angle from the side flange along its length on a side opposite the blade body, and the connecting flange of the first shutter blade is adapted to be connected to the adjacent shutter blade. The connecting flange of the first shutter blade is permanently connected to the adjacent shutter blade at its end, and each blade further comprises a second side flange extending from a longitudinal edge, the side flanges being parallel and planar. In reference to claims 20 and 21, the first shutter blade is removably connected

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to the adjacent shutter blade with a tongue connector and a mating groove (at 25,20,21).

Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Boswell ('186). Boswell teaches an elongated blade body 46, at least one side flange 40 extending from a longitudinal edges of the blade body at an angle, a connecting flange (generally at 44) extending at an angle from the side flange along its length on a side opposite the blade body, the connecting flange having a connecting structure to connect to another shutter blade.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman ('893). Hoffman teaches an assembly as stated above, but does not show a third shutter blade wherein the connecting flange of the adjacent blade is permanently connected to the connecting portion of the third blade.

However, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to duplicate the first and second existing shutter blades in order to provide a third shutter blade, since mere duplication of structural parts involves only routine skill in the art. Providing additional shutter blades that are permanently connected would allow for larger sections of the assembly, which would mean less pieces for the overall assembly and would therefore require less labor to connect the assembly.

Allowable Subject Matter

Claims 2, 3, and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach an impact protection system as stated specifically in claim 1, that further teaches a storm bar clip that is secured to the storm bar and has a shutter insert for insertion into the access area, as well as a wall mount.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I Thissell whose telephone

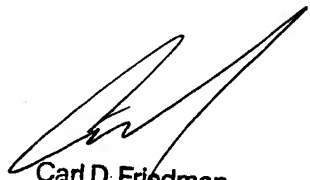
number is (703) 306-5750. The examiner can normally be reached Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


JIT

June 1, 2003


Carl D. Friedman
Supervisory Patent Examiner
Group 3600